

HPS-57(April 2006)

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

NO. 05-5533

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BRIAN ANTHONY DAVIS,  
Appellant

vs.

U.S. CONGRESS; WARDEN JAMES SHERMAN

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On Appeal From the United States District Court  
For the Western District of Pennsylvania  
(W.D. Pa. Civ. No. 04-00265E)  
District Judge: Honorable Sean McLaughlin

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Submitted For Possible Summary Action Under Third Circuit LAR 27.4 and I.O.P. 10.6

April 21, 2006

SCIRICA, CHIEF JUDGE, WEIS AND GARTH, CIRCUIT JUDGES

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JUDGMENT

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This cause came on to be heard on the record from the United States District Court for the Western District of Pennsylvania and was submitted for possible summary action under Third Circuit LAR 27.4 and I.O.P. 10.6. On consideration whereof, it is now here

ORDERED AND ADJUDGED by this Court that the judgment of the District Court entered December 16, 2005, be and the same is hereby AFFIRMED. Appellant's motion for the appointment of counsel is DENIED.

All of the above in accordance with the opinion of this Court.

ATTEST:

/s/ Marcia M. Waldron  
Clerk

DATED: May 9, 2006

Certified as a true copy and issued in lieu  
of a formal mandate on 5/11/06

*Marcia M. Waldron*

Teste:  
Clerk, U.S. Court of Appeals for the Third Circuit